

A-1885

Tree Removal Appeal

Removal of one 20.0-inch diameter Red Maple tree located in the east (side) yard of the property, to accommodate a proposed addition.

Mr. & Mrs. Daniel Coughlan
20 West Lenox Street

20 West Lenox Street



Figure 1: View of 20 West Lenox Street with Red Maple to the left (east) of the house, marked with pink ribbon.



Figure 2: View of Red from the property looking north toward West Lenox Street..

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11th day of April, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-1885
MR. & MRS. DANIEL COUGHLAN
20 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 20.0-inch diameter Red Maple tree located in the east (side) to accommodate a proposed addition.

The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 1st day of April, 2011.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-1885

**MR. AND MRS. DANIEL COUGHLAN
20 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815**

Adjoining and confronting property owners	
Mr. and Mrs. Peter Wellington Or Current Resident 18 West Lenox Street Chevy Chase, MD 20815	Ms. Margot Humphrey Or Current Resident 25 West Kirke Street Chevy Chase, MD 20815
Mr. and Mrs. John J. Ryan Or Current Resident 33 West Lenox Street Chevy Chase, MD 20815	Mr. and Mrs. Thomas S. Dann Or Current Resident 27 West Kirke Street Chevy Chase, MD 20815
Mr. Brian W. Smith Ms. Donna J. Holverson Or Current Resident 35 West Lenox Street Chevy Chase, MD 20815	Mr. and Mrs. Peter D. Keisler Or Current Resident 20 Magnolia Parkway Chevy Chase, MD 20815
Mr. and Mrs. Jerome H.L. Powell Or Current Resident 37 West Lenox Street Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 1st day of April, 2011.



**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



March 31, 2011

Mr. and Mrs. Daniel Coughlan
20 West Lenox Street
Chevy Chase, MD 20815

Dear Mr. and Mrs. Coughlan:

Please note that your appeal to remove one Red Maple tree located in the east (side) yard of your property is scheduled before the Board of Managers on Monday, April 11, 2011 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of your request.

Please note that because your property is located in the Chevy Chase Village Historic District, should the Board approve your request you will need to obtain a Historic Area Work Permit from the Historic Preservation Commission for the removal of the tree before the Village's Tree Removal Permit will be issued. Both permits must be obtained prior to the removal of the subject tree. Also, please be aware that as a condition of approval, the Chevy Chase Village Board of Managers routinely requires at least a one-for-one reforestation of a hardwood deciduous tree of a species that achieves a mature height of at least 45 feet and that must be a minimum of 2 1/2" caliper at the time of installation. This reforestation requirement can be accommodated where appropriate on the property.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you will be unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

SHANA R. DAVIS-COOK
Village Manager

DAVID R. PODOLSKY
Legal Counsel

BOARD OF MANAGERS

DAVID L. WINSTEAD
Chair

PETER T. KILBORN
Vice Chair

PETER M. YEO
Secretary

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Assistant Secretary

GAIL S. FELDMAN
Treasurer

LAWRENCE C. HEILMAN
Assistant Treasurer

PATRICIA S. BAPTISTE
Board Member

Chevy Chase Village

Tree Removal Permit Application

Permit No. A-1885

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

Property Address: 20 WEST LENOX STREET, CHEVY CHASE, MD 20815	
Resident: DANIEL & KRISTEN COUGHLAN	
Telephone: 240-744-4802	
E-mail: dcoughlan@tritecrealestate.com	
Tree Removal Contractor (required):	
Business Name: MEAD TREE & TURF CARE	
Owner: BOB MEAD	
Address: PO Box 249 LISBON, MD 21765	
Telephone: 301-854-5990	Fax: 410-489-9697
E-mail: rmead@meadtree.com	
MD Dept. of Natural Resources (DNR) License No. (required): 280	
For Village office staff use:	
Is this property located within the historic district?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff initials <u>ES</u>
Date application submitted to Village Office: <u>3/18/11</u>	Date approved or denied: <u>3/18/11</u>

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.

"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

Village Code §17-3. Permit Standards.

The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$50.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$350.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: _____

Date: _____

3/8/11

Tree Removal Plans (including reforestation plan, if any)

WE PROPOSE TO REMOVE ONE RED MAPLE TREE AS DESCRIBED IN THE ATTACHED ARBORIST REPORT. THE TREE IS LOCATED IN THE SIDE YARD OF THE PROPERTY AND ITS REMOVAL WOULD BE NECESSARY TO ACHIEVE THE PROPOSED ADDITION TO THE EXISTING HOUSE. AN APPROPRIATE TREE WILL BE REPLANTED AS LISTED ON THE REFORESTATION GUIDELINES.

For Use By Village Manager

Approved with the following conditions:

For Use By Village Manager

Denied for the following reasons:

MAR 18 REC'D

Chevy Chase Village Manager

Denial for ~ The tree (20" dia. Red Maple) as assessed by the village arborist on 2/23/2011 and found to be healthy.

Filing Fee:

\$50.00/tree x 1 trees =
\$ 50.00
(up to \$350 max. per application)

Checks Payable to:

**Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

Damage Deposit

- ☐ \$ _____
- ☐ Waived by Village Manager.

Staff Signature: _____

Date: _____

Total Fees + Deposit:

50.00

Staff Signature: _____

Date: _____

[Signature]
3/18/11

Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property: 20 WEST LENOX ST., CHEVY CHASE, MD 20815	
Briefly Describe the Proposed Tree Removal (provide additional detail on following pages): REMOVE ONE RED MAPLE TREE AS DESCRIBED IN THE ATTACHED ARBORIST REPORT. THE TREE IS LOCATED IN THE EAST SIDE YARD OF THE PROPERTY AND ITS REMOVAL WOULD BE NECESSARY TO ACHIEVE THE PROPOSED ADDITION TO THE EXISTING HOUSE.	
Applicant Name(s) (List all property owners): DANIEL & KRISTEN COUGHLAN	
Daytime telephone: 240-744-4802	Cell:
E-mail: dcoughlan@tritecrealestate.com	
Address (if different from property address): N/A	
For Village staff use: Date this form received: 3/18/11 Tree Removal Permit Appeal No: A-1885	

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☒ Completed Chevy Chase Village Statement of Appeal for Tree Removal Permit (this form)
- ☒ Denied Chevy Chase Village Tree Removal Permit Application
- ☒ Chevy Chase Village Tree Inspection Report from Village Arborist
- ☒ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☒ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 3/8/11

Applicant's Signature: Kris Coughlan

Date: 3/8/11

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

THE REMOVAL OF THE RED MAPLE WOULD NOT AFFECT ADVERSELY ANY OF THE ADJOINING PROPERTIES AND WOULD PROVIDE AN OPPORTUNITY TO REPLANT AN APPROPRIATE TREE IN A MORE SUITABLE LOCATION FOR A TREE OF THIS SIZE.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

THE TREE REMOVAL WOULD NOT HAVE ANY ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY OR WELFARE, OR THE REASONABLE USE OF ADJOINING PROPERTIES.

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

THE TREE IS IN GOOD TO FAIR CONDITION. AS NOTED BY THE ARBORIST THE SPLIT BRANCHING HABIT IS UNUSUAL AND ALTHOUGH NOT AN IMMEDIATE THREAT HOWEVER THE MAIN CROTCH HAS POTENTIAL TO FAIL OVER TIME.

Describe the reasons for wanting to remove or destroy the tree(s):

WE REQUEST YOUR CONSIDERATION FOR APPROVAL TO REMOVE THE RED MAPLE IN ORDER TO BUILD AN ADDITION IN ONE OF THE FEW LOCATIONS THAT IS ALLOWED DUE TO ZONING CONSTRAINTS ON AN UNUSUALLY SHAPED LOT.

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

THE SITE IS A CORNER LOT WITH AN ACUTE ANGLE WITH 2 FRONT YARD SETBACKS AND LIMITED OPPORTUNITY TO BUILD IN THE REAR YARD. A LOGICAL OPTION IS TO LOCATE A PORTION OF THE ADDITION IN THE SIDE YARD WHERE THE TREE IS LOCATED. THIS WOULD IMPAIR THE HEALTH OF THE TREE. SEE ATTACHED DRAWINGS FOR SITE PLAN AND PROPOSED ADDITION.

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

IF THE REQUEST FOR REMOVING THE RED MAPLE IS APPROVED WE WOULD SELECT AN APPROPRIATE REPLACEMENT TREE AS LISTED ON THE REFORESTATION GUIDELINES TO SATISFY THE REFORESTATION GOALS OF THE VILLAGE.

Describe any hardship that would result if the requested tree removal is denied:

DUE TO ZONING RESTRICTIONS THE LOT'S BUILDABLE AREA IS LARGELY DIMINISHED. THE TREE IS UNFORTUNATELY IN THE ALLOWABLE BUILDABLE AREA. IF DENIED THE LOT'S BUILDABLE AREA WOULD BE FURTHER REDUCED. ADDITIONALLY THE CLOSE PROXIMITY OF THE TREE TO THE HOUSE AND DRIVEWAY MAY OVER TIME END UP DAMAGING THE CONCRETE DRIVEWAY AND FOUNDATION OF ANY PROPOSED ADDITIONS AS PER THE ARBORIST'S STATEMENT.

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

THE TREE IS MARGINAL IN TERMS OF SPECIES AND CONDITION AND AS NOTED BY THE ARBORIST - ALTHOUGH NOT AN IMMEDIATE THREAT, AS THE TREE GROWS THE MAIN CROTCH HAS THE POTENTIAL TO SPLIT AND FAIL.

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

DUE TO THE ZONING RESTRICTIONS ON THE LOT, WE ARE LIMITED IN WHERE WE CAN BUILD.

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: \$250.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid: <u>\$250.00</u> Date Paid: <u>3/18/11</u>	Staff Signature: <u>[Signature]</u> Date: <u>3/18/11</u>

Tree Inspection Request Form

Property Address:

20 West Seneca ST

Date this form submitted to Village office: / /

Resident Name:

Congileno

Phone:

E-mail:

This request initiated by: ☒ Village office staff. ☐ Resident/property owner

- ☐ Inspect tree(s)¹ requested for removal -- are any conditions in CCV Code Sec. 17-3(a) met? [\$50/tree fee]
- ☒ Inspect trees¹ on property to determine if a Tree Protection Plan (TPP) is needed for proposed project².
- ☐ Pursuant to a Village Bldg Permit application², prepare TPP for trees¹ on property [\$250 fee]
- ☐ Verify that a TPP has been implemented for Village Building Permit # _____.
- ☐ Follow up on an existing TPP -- is it OK to remove TPP?
- ☐ Village right-of-way/park
- ☐ Other: _____

¹ Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable).² Attach full description of proposed project.

Sections below must be completed by Village Arborist:

Tree #1: ☒ Private Property ☐ Village right-of-wayLocation: ☐ Rear ☐ Front ☒ Side-L ☐ Side-RDBH*= 20 Species: Red Maple Tag#: _____ ☐ n/a: no tag.

Assessment: _____

Tree #2: ☒ Private Property ☐ Village right-of-wayLocation: ☐ Rear ☐ Front ☒ Side-L ☐ Side-RDBH*= 15.2 Species: Red Maple Tag#: _____ ☐ n/a: no tag.

Assessment: _____

Tree #3: ☐ Private Property ☐ Village right-of-wayLocation: ☒ Rear ☐ Front ☐ Side-L ☐ Side-RDBH*= 49.5 Species: White Oak Tag#: _____ ☐ n/a: no tag.

Assessment: Healthy

(For more trees, please check here ☐ and attach pages: # of extra trees ____; # of extra pages ____.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Removal Approved

Denied

*Is permit required? (i.e, is trunk circumf. ≥ 24 "?)

Y N

Tree #1 ☐ ☒Tree #1 ☐ ☐Tree #2 ☐ ☒Tree #2 ☐ ☐Tree #3 ☐ ☒Tree #3 ☐ ☐

Arborist Signature

[Signature]

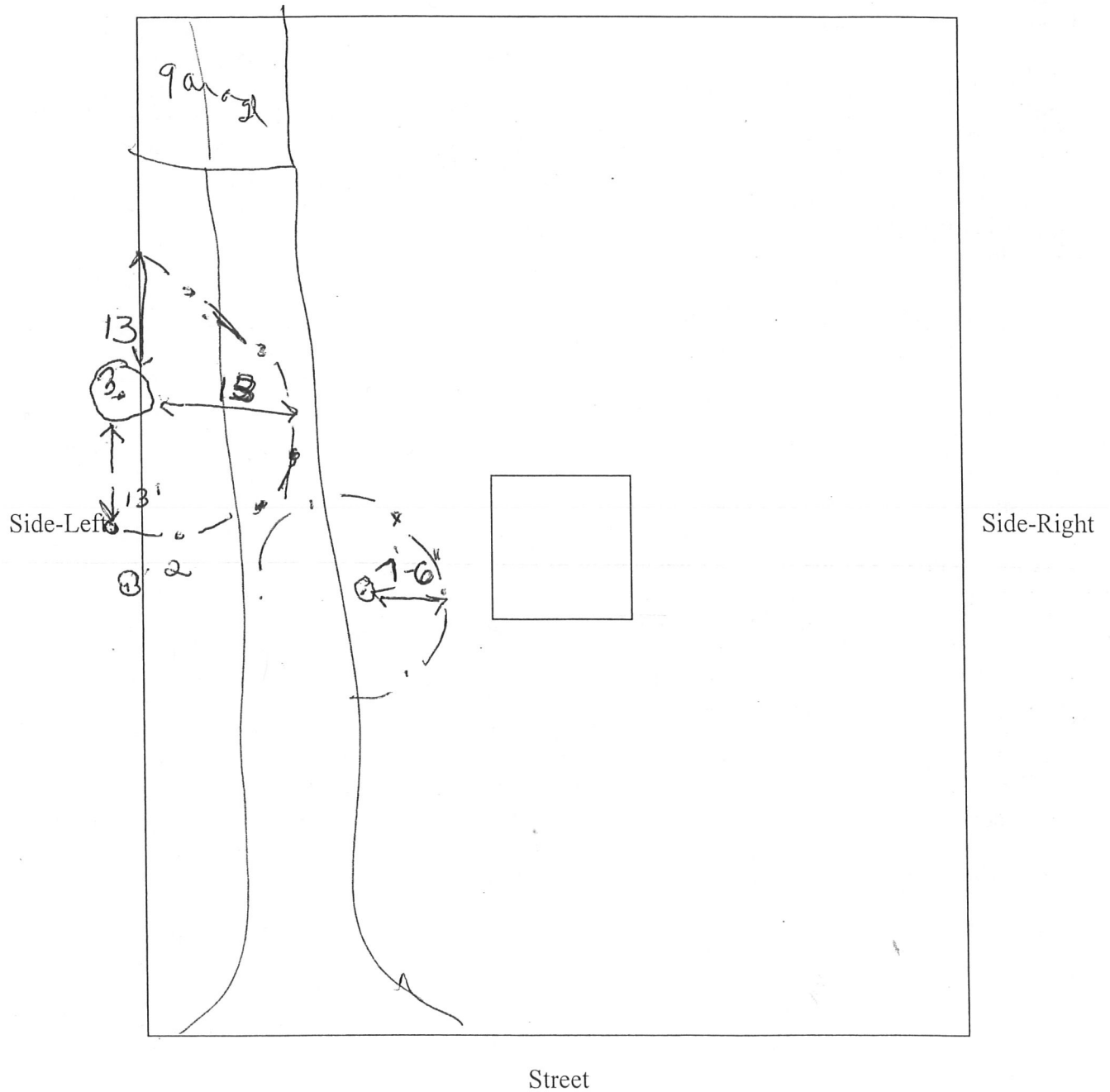
Date 2-23-11

Diagram for Tree Inspection

(use this diagram *ONLY* if a plat or site survey is unavailable)

Instructions for Arborist (or) Notes from Arborist:

Rear of house





PITCHFORDASSOCIATES
arboriculture + environmental consulting

March 10, 2011

Mr. Matthew W Fiehn, AIA, LEED AP
BARNES VANZE ARCHITECTS, INC.
1000 Potomac Street NW Suite L-2
Washington, D.C. 20007

Dear Matthew,

This letter will detail my inspection of a red maple (*Acer rubrum*) located between the driveway and house at 20 West Lenox Street, Chevy Chase, MD. This is the Coughlan residence. The tree measured 19.5" of diameter at breast height (dbh) and is in good to fair condition.

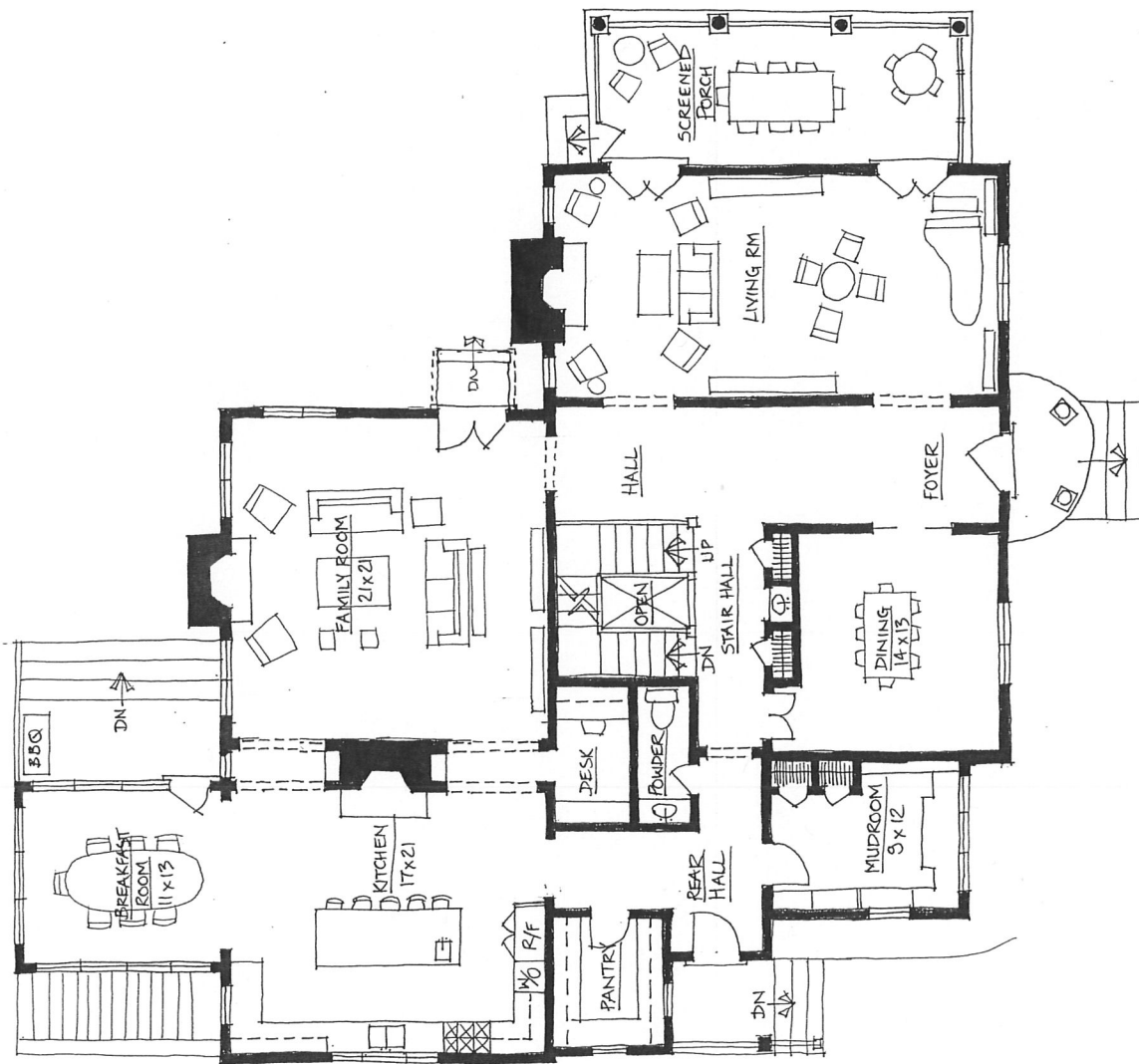
I understand that the proposed addition on this house will come close to this tree, and that you are concerned as to how best to accommodate it in the construction plans. Unfortunately, it is my professional opinion that due to the width, and shallow nature of the root plate, trying to accommodate this tree into your plans will prove futile. There is no way that it would survive the use of a continuous footing so close to the base, and even if you employ a pier footing system, the need for a grade beam that would be set just below grade will sever such a large portion of the structural roots that the tree will become unstable and will suffer significantly in terms of its health.

On the positive side, this tree is marginal in terms of species and condition. Therefore, it really is better to simply remove it and plant better shade trees on this property. The split branching habit is unusual, and although it is not an immediate threat, the main crotch could fail as these two leaders get larger. There are also much better locations for growing large trees in the backyard where there are no structural conflicts and the rooting area is ideal. This tree is hemmed in by both the home and driveway, and as such, will end up damaging the concrete driveway and possibly the foundation of the new addition if it were kept in place.

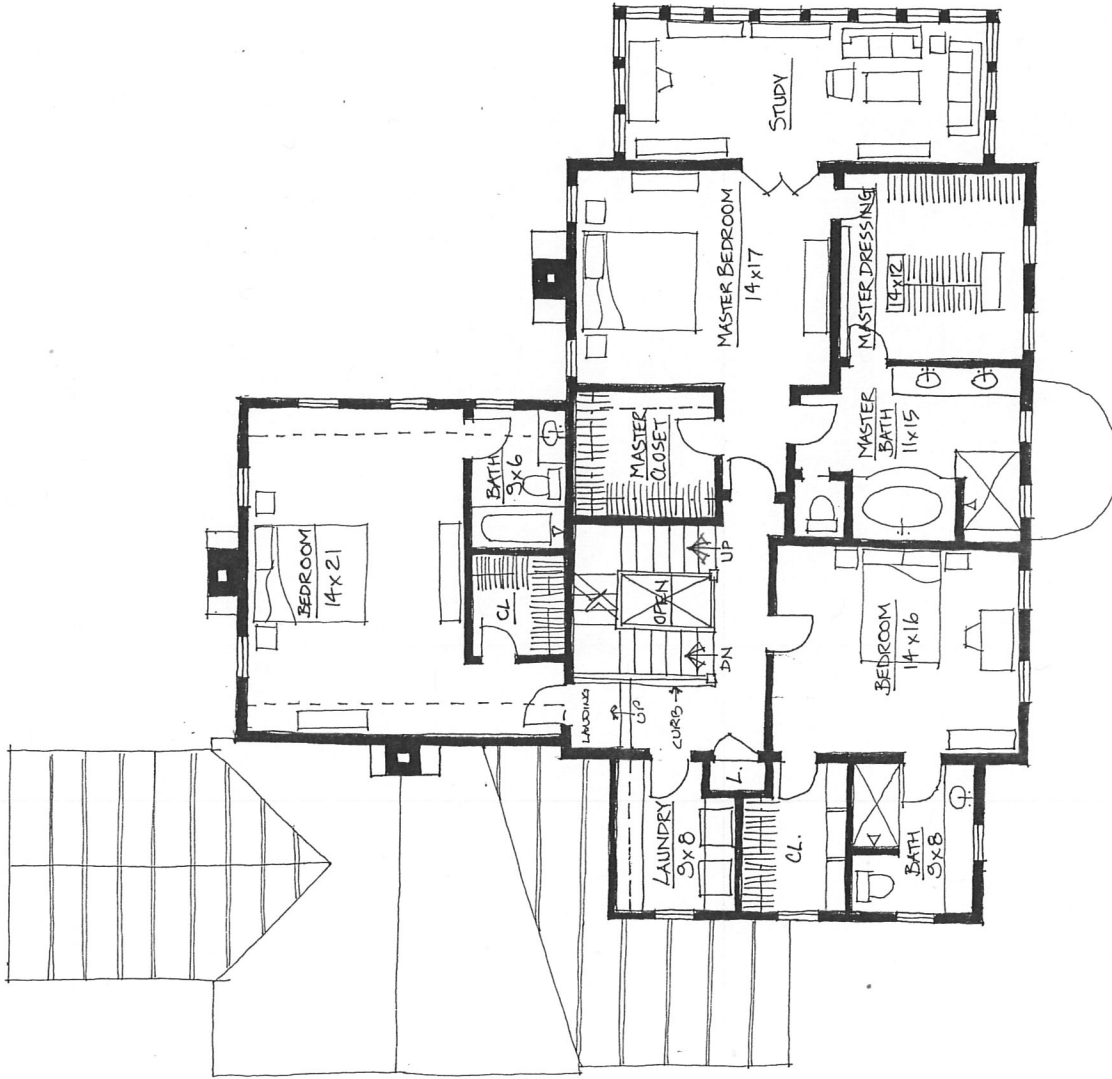
Thank you for the opportunity to visit this site and provide these observations and recommendations. Please contact me with any other questions you may have.

Respectfully submitted,

Keith C. Pitchford
ISA Certified Arborist, MA-0178
ISA Certified Tree Risk Assessor, #922
MD Licensed Forester, #675
MD Tree Expert #589



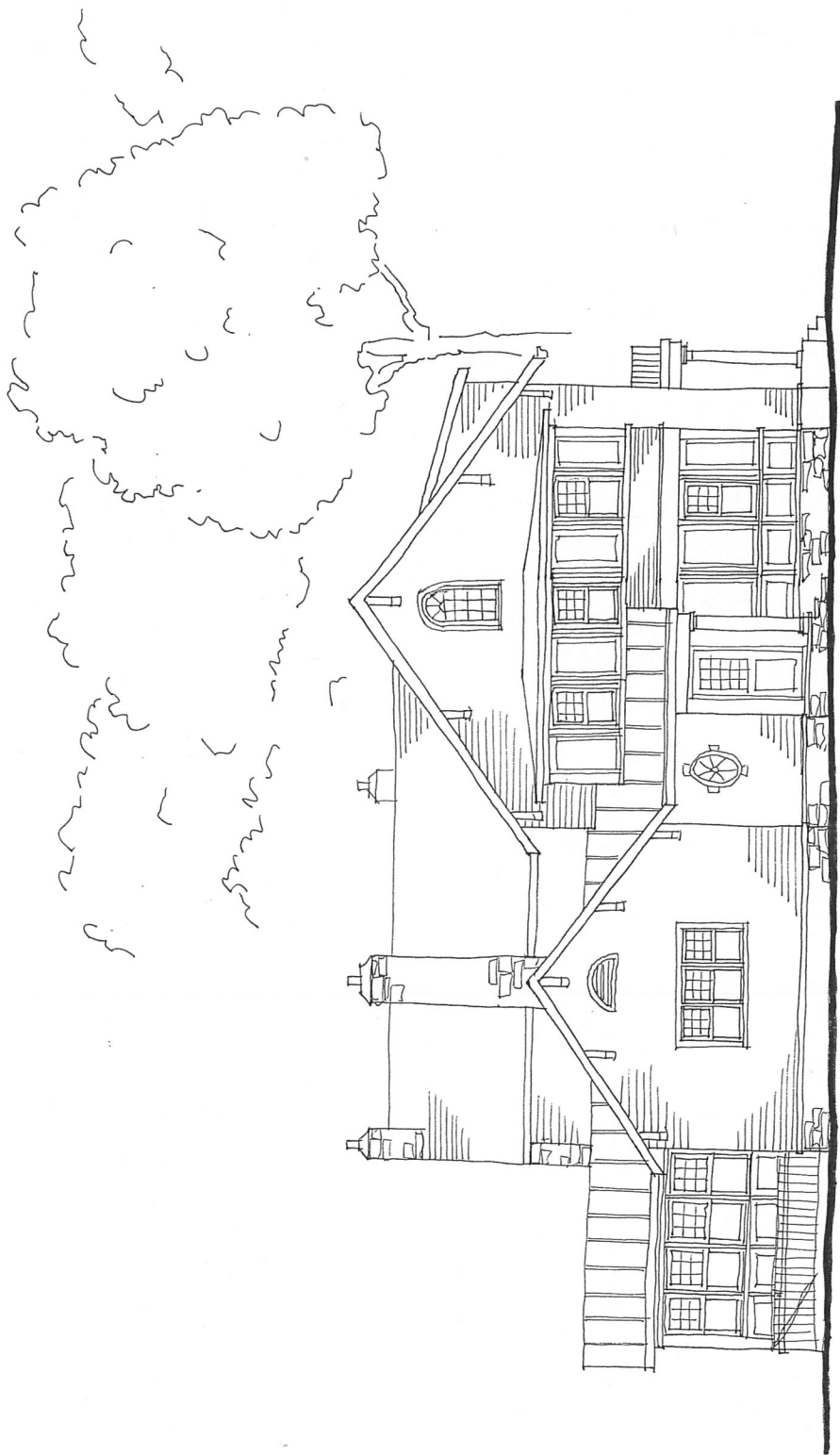
COUGHLAN RESIDENCE
 FIRST FLOOR PLAN
 BARNES VANZE ARCHITECTS
 2.17 " 1/8" = 1' "



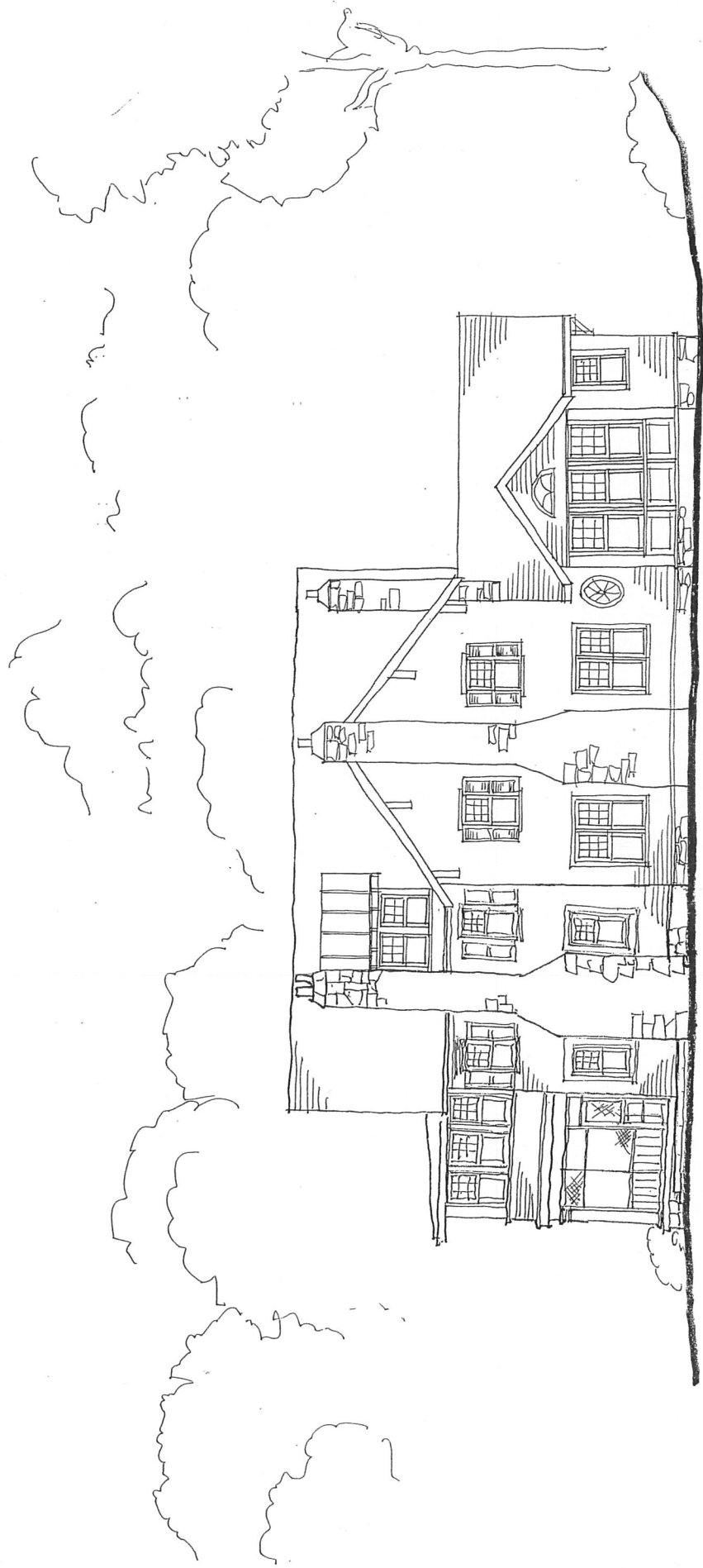
COUGHLAN RESIDENCE
 SECOND FLOOR PLAN
 BARNES VANZE ARCHITECTS
 03.17.11 $\frac{1}{8}'' = 1'-0''$



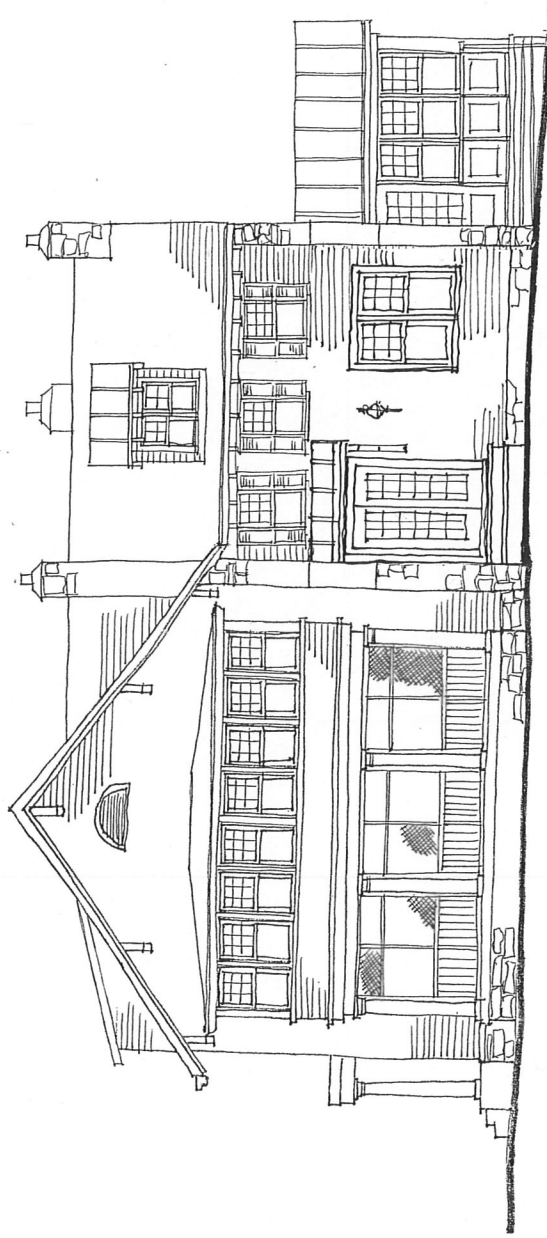
COUGHLAN RESIDENCE
FRONT ELEVATION
BARBARA VANZEL ARCHITECTS
03.17.11 1/8"=1'-0"



COUGHLAN RESIDENCE
DRIVEWAY ELEVATION
BARNES VANZE ARCHITECTS
03.17.11 $\frac{1}{8}" = 1'-0"$



COUGHLAN RESIDENCE
REAR ELEVATION
BARQUES VANDE ARCHITECTS
03.17.11
1/8" = 1'-0"



COUGHLAN RESIDENCE

SIDE ELEVATION

BARNES VANZE ARCHITECTS

03.17.11

$\frac{1}{8}'' = 1'-0''$